

REMARKS

Claims 9 - 11, 13 - 17, and 22 are pending. Claim 15 has been amended.

35 U.S.C. Section 112, 1st paragraph

Claim 15 was rejected under 35 U.S.C. Section 112, First Paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner alleges that the specification as originally filed does not provide support for a carabineer [sic] securing the sliding rope to the standing rope line.

Claim 15 as amended recites that the carabiner releasably secures the sliding rope coupler to the safety harness.

This rejection should now be moot.

35 U.S.C. Section 103

Claims 9, 13-14, and 16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wagner in view of Knots, Ascherin [et al.], or Krammerer [sic].

Applicant respectfully traverses this rejection. In light of the long and unsatisfactory prosecution of this application, applicant=s attorney anticipates that the Examiner will reject the claims yet again, despite the amendments and remarks made herein. Therefore, Applicant looks forward to receiving a "final" office action and taking this case to appeal at the earliest opportunity. Nonetheless, the Examiner is respectfully requested to reconsider the rejections in light of the following comments.

The invention as claimed is a simple and elegant solution to a very serious safety problem. The simple elegance of the solution (invention) should not be misused as an excuse to engage in hindsight reconstruction of the claimed invention. Simply put, there is no suggestion in the prior art to make the combination asserted by the Examiner. Instead, the only real suggestion for such a combination comes from the applicant=s own disclosure. Such cannot negate the patentability of the claims.

Wagner does not disclose the "sliding rope coupler... comprising a length of rope" of the rejected claims. The recited art does not show the combination of the present

claims. The primary reference cited by the Examiner is a metal structure. It would be inappropriate to modify or replace this metal item with a rope knot, such as a Prusik knot. One of skill in the art would not use a rope knot on metal cables, etc. due to breakage concerns.

The cited prior art shows, at most, active use of a Prusik knot for climbing but does not show passive use of a rope knot for arresting a fall. One of skill in the art would not be motivated to substitute a Prussick knot as described in Ascherin for the brake of Wagner. Since the brake of Wagner is intended to move freely along the safety line when ascending or descending, a knot which is not intended to move would not be substituted for a device that must be moved in either direction. Ascherin teaches that the Prussick knot clamps down when the direction of the cord is reversed. The brake of Wagner is activated by a different line rather than the line on which it moves, in contrast to Ascherin. The line to the safety belt in Wagner is separate from the safety line along which the brake travels. Thus, such a substitution would be unsuitable for the Wagner purposes. Also, in order to achieve this, Wagner actually requires a pivoting of the brake from a vertical to a horizontal position. The Prussick knot of Ascherin would not make this pivoting motion.

One of skill in the art would not be motivated to substitute a prusik line as described in Kammerer for the brake of Wagner. There is no motivation in Wagner or Kammerer to use a prusik line for arresting a fall rather than ascending. Further, since the brake of Wagner is intended to move freely along the safety line when ascending or descending, a knot which is not intended to move downward would not be substituted for a device that must be moved in either direction. Thus, such a substitution would be unsuitable for the Wagner purposes. Also, in order to achieve this, Wagner actually requires a pivoting of the brake from a vertical to a horizontal position. The prusik line of the Background of Kammerer would not make this pivoting motion. Additionally, the Background of Kammerer essentially teaches away from the desirable of substituting a prusik line for a brake device such as in Wagner due to "many disadvantages".

Claims 13- 14 and 16 depend from Claim 9, for at least the reasons discussed for Claim 9, these claims are also not rendered obvious by the examiner's combination. Claim 13 is not made obvious for the above reasons, and, additionally, there is no discussion regarding diameter of lines which would lead one of skill in the art to this limitation recited

in Claim 13.

Claims 10 and 11 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wagner and Knots, Ascherin [et al.], or Krammerer [sic], as applied to Claim 9 above, and further in view of Van Patten.

Applicant respectfully traverses this rejection. The primary references are discussed above for Claim 9. The addition of Van Patten does not remedy the deficiencies of Wagner + Knots, Wagner + Ascherin, or Wagner + Krammerer.

Claims 10 and 11 depend from Claim 9, and for at least these same reasons, these claims are not rendered obvious. Also, Claim 10 recites a "first end of the standing rope line comprises a looped portion." Van Patten alone or in combination with the primary references does not teach or suggest this limitation (in addition to the combination of references not teaching additional limitations of the claims).

Claim 17 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wagner and Knots, Ascherin [et al.], or Krammerer [sic], as applied to Claim 9 above, and further in view of Crawford.

Applicant respectfully traverses this rejection. The primary references are discussed above for Claim 9. The addition of Crawford does not remedy the deficiencies of Wagner + Knots, Wagner + Ascherin, or Wagner + Krammerer.

Claim 17 depends from Claim 9, and for at least these same reasons, this claim is not rendered obvious.

Claim 22 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wagner and Knots or Ascherin, Van Patten, as applied to Claims 11 and 13 above, and further in view of Crawford as applied above.

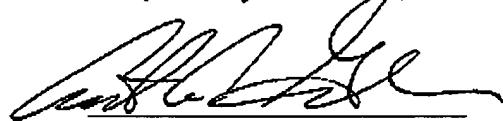
Applicant respectfully traverses this rejection. The primary references are discussed above for Claim 9. The addition of Van Patten and/or Crawford does not remedy the deficiencies of Wagner + Knots or Wagner + Ascherin.

For the same reasons as discussed above for Claims 9-11 and 13-17, Claim 22 is likewise not made obvious by the recited combination of references.

CONCLUSION

In view of the response submitted herein, it is believed that all claims are now allowable, and that the application has been placed in full condition for issue. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at 770.984.2300.

Respectfully submitted,



Arthur A. Gardner
Reg. No. 33,887

Customer Number: 23506
GARDNER GROFF, P.C.
100 Parkwood Point
2018 Powers Ferry Rd., Suite 800
Atlanta, GA 30339
Tel: 770/984-2300
Fax: 770/984-0098

BEST AVAILABLE COPY